

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 827 by Representative Simon

ELECTION CODE: Makes revisions to the election code to provide with respect to voters with special needs

Synopsis of Senate Amendments

1. Adds provisions requiring a candidate for elected office to certify as part of his notice of candidacy that he has either filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.
2. Adds provisions allowing an action objecting to the candidacy of a person on the grounds that the person falsely certified on his notice of candidacy that he filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 18:463) requires a candidate for elected office to file a notice of candidacy. Requires the notice to contain a certification in which the candidate certifies that certain facts are true. Proposed law retains present law and additionally requires a candidate to certify that he has either filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Present law (R.S. 18:492) provides for an action objecting to the candidacy of a person. Specifies bases for objecting to candidacy. Proposed law retains present law and additionally provides that a person may base an action objecting to the candidacy of a person on the grounds that the candidate falsely certified on his notice of candidacy that he filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Proposed law revises the election code with respect to voters with special needs as follows:

- (1) Present law requires a person who claims a homestead exemption to register and vote at that residence. Proposed law allows a person who resides in a nursing home or veterans' home to register and vote at the address of the nursing or veterans' home and otherwise retains present law.
- (2) Changes "mental retardation" to "intellectual or cognitive disabilities". Further revives a provision that requires DHH to promulgate rules and regulations to insure that persons with certain such disabilities for whom DHH provides care and treatment are permitted to register and vote in compliance with law. Provides for oversight of such rules by the Senate and Governmental and House and Governmental Affairs committees.
- (3) Changes "physically handicapped" to "physical disability".
- (4) Present and proposed law provides for assistance in voting. Requires a person who requires assistance in voting to provide to the registrar or to the commissioners on election day certain information as proof of disability. Specifies the types of information required. Requires a person providing proof by mail to also send a copy of his La. driver's license, La. special id card, or other generally recognized picture id which contains his name and signature or to submit a form which lists the names

- and addresses of at least two persons in his precinct who could attest under oath to the registrant's physical disability. Restricts the persons who can provide assistance to the voter at the polls on election day, during early voting, during early voting at nursing homes, and during absentee by mail. Requires a person assisting voters, except an election official, to present his La. driver's license, his La. special id card, or other generally recognized picture id which contains his name and signature and requires the name of each voter being assisted, the name of person assisting a voter, and the signature of the person to be listed in the precinct register or list kept by the registrar behind the "Assistance to Voters" tab.
- (5) Proposed law removes provisions for the Special Program for Handicapped Voters and authorizations for the secretary of state to create other special voting programs, and provides instead that a person who was a participant in the Special Program for Handicapped Voters prior to Jan. 1, 2010, and a person who had established that his disability prevents him from appearing in person at the polls on election day or during early voting, may change his registration to another parish without having to submit to the registrar additional information establishing his disability. Further allows such a disabled person to vote absentee by mail, even if such person registered by mail and has not voted in person previously. Further provides that the application to vote absentee by mail by person who was a participant in the Special Program for Handicapped Voters prior to Jan. 1, 2010, shall remain valid until an absentee by mail ballot is returned as undeliverable.
  - (6) Present law prohibits a person who was entitled to assistance in voting and a person who is a candidate in the election from being a commissioner. Proposed law prohibits a person who is marked for assistance in voting, who requires the use of the audio ballot, or who is candidate from being a commissioner and therefore would allow someone who is entitled to assistance but who does not require assistance in voting to be a commissioner.
  - (7) Present law requires parish governing authorities to certify that each polling place meets accessibility standards. Proposed law further requires governing authorities to fill out a survey regarding each polling place.
  - (8) Present law provides that a voter who is visibly handicapped and the person who will be assisting him in voting to go to the front of the line to vote at the polls or during early voting. Proposed law provides instead that a voter who has a visible physical disability or who presents a current mobility-impaired id card, and the person who is assisting him in voting to go to the front of the line to vote.
  - (9) Present law requires an absentee by mail or early voting ballot envelope flap to contain lines for two witness signatures and authorizes participants in the special program for handicapped voters to only obtain the signature of one witness. Proposed law retains present law but further authorizes other disabled voters to only obtain the signature of one witness.
  - (10) Proposed law requires the registrar, if he has reason to believe that a disabled voter's eligibility to vote absentee by mail is based upon false or fraudulent information, to immediately notify the parish board of election supervisors, which shall hold a hearing on the matter. Requires the board, if it finds that eligibility was based upon false or fraudulent information, to inform the DA and the registrar and prohibits the registrar from allowing the voter to vote absentee by mail pursuant to the provisions for disabled voters.
  - (11) Proposed law requires any person who assists a voter in voting absentee by mail or during early voting (if paper ballots are used) to execute an acknowledgment verifying that the person has marked the ballot in the manner dictated by the voter.
  - (12) Proposed law revises the provisions relative to early voting in nursing homes to

- additionally include a person who resides at a nursing home or veterans' home who establishes as required by proposed law that his disability prevents him from appearing in person at the polls on election day or during early voting. Provides that an application to vote pursuant to the nursing home early voting provisions remain valid until the voter requests to be removed, or no longer resides in the nursing home in his application, unless he moves to another nursing home in the same parish and notifies the registrar in writing of the change of nursing home address. Further provides for certain restrictions on electioneering in nursing homes.
- (13) Proposed law provides that a person who, when assisting a voter in voting, fails to mark the ballot or vote in the manner dictated by the voter has committed an election offense. Present law provides that penalties for an election offense include a fine of not more than \$1,000 or imprisonment for not more than one year, or both for a first offense and for a second or succeeding offense include a fine of not more than \$2,000 or imprisonment for not more than five years, or both.
- (14) Proposed law authorizes the secretary of state to adopt rules and regulations to effectuate the nursing home early voting program.

Directs the La. State Law Institute to remove certain "Part" designations in a Chapter of the election code.

Effective January 1, 2010.

(Amends R.S. 18:101(B), 102.1, 106(B) and (C), 114(F)(2), 115(F)(2)(a), 152(C)(4), 425(B)(1), 463(A)(2)(a)(vii), 531(B), 533(A)(1), 564(A), (B)(5), (D), and (E), 1303(F) and (I), 1306(E)(2), 1307(G), 1310(B)(2), 1333, 1334(A)(intro. para.) and (1) and (D); Adds R.S. 18:106.1, 463(A)(2)(a)(viii), 492(A)(7), 1307(H), 1309.3, 1310(C), and 1461(A)(24); Repeals R.S. 18:1309(E)(5), 1321, 1331, 1332, and 1335)